

UNITED STATES DISTRICT COURT
for
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Report on Offender Under Supervision

Name of Offender: Robert John McCarthy Docket No.: CR 05-0410-01 CRB

Name of Sentencing Judge: The Honorable William B. Shubb
United States District Judge
Sacramento, California

Date of Original Sentence: March 23, 2005

Original Offense:

Count One: Mail Fraud, 18 U.S.C. § 1341, a Class D felony
Count Two: Mail Fraud, 18 U.S.C. § 1341, a Class D felony
Count Three: Mail Fraud, 18 U.S.C. § 1341, a Class D felony
Count Four: Mail Fraud, 18 U.S.C. § 1341 , a Class C felony

Original Sentence: Four years probation on Counts One, Two, Three and Four, to run concurrent
Special Conditions: Special assessment \$400; restitution \$8,652; drug/alcohol treatment; no alcohol;
mental health treatment; access to financial information; no new lines of credit or debt; search.

On June 17, 2005, jurisdiction was transferred from the Eastern District of California to the Northern
District of California, and assigned to the Honorable Charles R. Breyer.

On March 8, 2006, Your Honor suspended the drug testing condition in this case.

Type of Supervision: Probation
Assistant U.S. Attorney: Robert Rees

Date Supervision Commenced: March 23, 2005
Defense Counsel: Ronald Tyler (AFPD)

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Petitioning the Court to Take Judicial Notice**Cause**

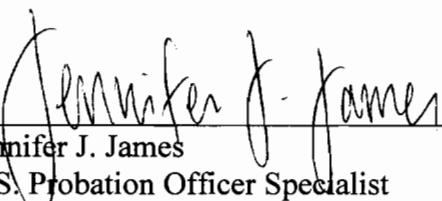
<u>Charge Number</u>	<u>Violation</u>
One	<p>There is probable cause to believe that the offender violated the Court's order to pay a \$400.00 special assessment and \$8,652.00 in restitution.</p> <p>Mr. McCarthy has been on probation for three years and ten months of a four year term, and has only been able to pay a total of \$170.00 toward his special assessment balance, which remains at \$230.00. He has not paid anything toward his restitution balance, which remains at \$8,652.00. Evidence of the alleged violation is available through a review of the payment history in this case, obtained through the Clerk's office.</p>

Action Taken and Reason

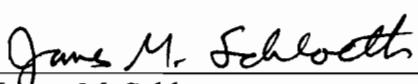
Mr. McCarthy is a 60-year-old man who suffers from a degenerative spine disorder. He receives \$907.00 per month in Supplemental Security Income (SSI) and is unemployed, although he has made significant efforts (albeit unsuccessful) to locate part-time employment to supplement his limited income. He has consistently made payments of \$5.00 per month toward his special assessment and restitution balances, but unfortunately, this has only resulted in a total payment of \$170.00, which has been credited toward his special assessment balance. Although he continues to owe his entire restitution balance in full, restitution will remain due and owing as collectible by law once his term of supervision expires. Collection responsibilities will be assumed by the Financial Litigation Unit of the U.S. Attorney's Office. In light of the above, it is respectfully recommended that his term of supervision be allowed to expire on March 22, 2009, with restitution outstanding.

The Assistant U.S. Attorney has been notified and there are no objections.

Respectfully submitted,


Jennifer J. James
U.S. Probation Officer Specialist

Reviewed by:


James M. Schloetter
Supervisory U.S. Probation Officer

Date Signed: February 3, 2009

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THE COURT ORDERS:

The Court concurs and takes judicial notice
 Submit a request to modify supervision
 Submit a request for warrant
 Submit a request for summons
 Other:

Date

feb. 04, 2008



Charles R. Breyer
United States District Judge